

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE: §
§
J.A.R. CONCRETE, INC., § CASE NO 23-30242-cgb
Debtor § Chapter 7
§
§

**JOINT AGREED MOTION TO RESET DEADLINES AND CONTINUE
HEARING (RE: DOCKET NOS. 533, 512, 513)**

PASEO DEL SOL CONSTRUCTION, INC., proposed contract assignee, RON
INGALLS, TRUSTEE, CITY OF EL PASO, and UNITED STATES FIRE INSURANCE
COMPANY, (collectively, “Movants”) file this *Joint Agreed Motion to Reset Deadlines and
Continue Hearing* (Re: Docket No. 533), and in support thereof would respectfully show to the
Court the following.

1. On December 6, 2023, the Court entered the *Order Setting Status Conference and
Deadlines on Chapter 7 Trustee’s Motions to Assume and Assign Contracts (Dkt## 512, 513, 514)
and Objections Thereto* (Docket No. 533) (the “Scheduling Order”) regarding

(1) Motion to Assume and Assign Contract [-] Parkway Structures Citywide Maintenance
Solicitation No. 2021-1305 with the City of El Paso (the “Parkway Structures Contract”)
(dkt# 512); and

(2) Motion to Assume and Assign Contract [-] Trowbridge Drive Improvements
Solicitation No. 2022-0377 with the City of El Paso (the “Trowbridge Contract”) (dkt#
513)

(collectively, the “Motions to Assume”).and the various objections that are related to the Motions
to Assume.¹

¹ This motion does not involve Docket No. 514, the motion to assume involving TxDOT.

2. The Trustee and the proposed assignee, Paseo del Sol Construction Inc., have reached out to and conferred with the City of El Paso, and the surety United States Fire Insurance Company regarding the contracts at issue and a resolution of the Motions to Assume.

3. The parties believe that time to discuss the issues raised in the Motions to Assume, the objections, and/or the Scheduling Order could resolve the Motion to Assume by agreement of the parties and/or significantly narrow the issues for consideration.

4. Accordingly, all of the parties have agreed to request that the Court amend the Scheduling Order to set the briefing and/or further pleading deadline to January 16, 2024 and that the hearing on the hearing on the Motion to Assume be set on January 31, 2024 at 9:00 a.m MT / 10:00 a.m. CT by WebEx. (January 31, 2024 appears to be a WebEx hearing date for El Paso already on the calendar of the Court.)

5. The parties do not request the additional time merely for purposes of delay.

6. A proposed form of agreed order is attached hereto and incorporated by reference herein.

WHEREFORE, PASEO DEL SOL CONSTRUCTION, INC., RON INGALLS, TRUSTEE, CITY OF EL PASO, and UNITED STATES FIRE INSURANCE COMPANY, Movants respectfully pray that the Court enter the proposed order and reschedule the briefing deadlines and the hearing date as set forth above and/or in the proposed order. Movants request such other and further relief as they may be entitled at law or in equity.

{continued on following sheet(s)}

Dated: December 13, 2023

Respectfully submitted,

WEYCER, KAPLAN,
PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth*

JEFF CARRUTH
Texas Bar No.: 24001846
24 Greenway Plaza Suite 2050
Houston, Texas 77046
Telephone: (713) 341-1158
E-mail: jcarruth@wkpz.com

ATTORNEYS FOR JOE A. ROSALES, Jr.

WEINSTEIN RADCLIFF PIPKIN LLP

By: /s/ Gregory M. Weinstein*

GREGORY M. WEINSTEIN
State Bar No. 16027020
SCOTT MCFADIN
State Bar No. 24098074
8350 N. Central Expressway, Suite 1550
Dallas, Texas 75206
Telephone: 214.865.6126
Facsimile: 214.865.6140
Email: gweinstein@weinrad.com
smcfadin@weinrad.com

**ATTORNEYS FOR UNITED STATES FIRE
INSURANCE COMPANY**

By: /s/ Ronald Ingalls*

Ronald Ingalls, Trustee
SBT 10391900
Po Box 2867
Fredericksburg, TX 78624
Tel: (830) 321-0878
Fax: (830) 321-0913
Email: ingallstrustee@gmail.com

CHAPTER 7 TRUSTEE

BARRON & NEWBURGER, P.C.

By: /s/ Stephen W. Sather*

Charles I. Murnane
State Bar No 24074775
Stephen Sather
State Bar No 17657520
7320 N. Mopac Expy, Suite 400
Austin, Texas 78731
(512) 649-3243
(512) 476-9253 Facsimile

ATTORNEY FOR TRUSTEE

RAY, PEÑA & MCCHRISTIAN, P.C.

By: /s/ Aldo R. Lopez*

ALDO R. LOPEZ
State Bar No. 24060185
5822 Cromo Dr.
El Paso, Texas 79912
(915) 832-7200
(915) 832-7333- Fax
alopez@raylaw.com

ATTORNEYS FOR CITY OF EL PASO

* Signature by permission by /s/ Jeff Carruth

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served upon all registered ECF users in this case on December 13, 2023 as shown it the list below.

/s/ Jeff Carruth

One of Counsel

23-30242-cgb Notice will be electronically mailed to:

Megan M. Adeyemo on behalf of Creditor Mitsubishi Capital America, Inc.
madevemo@grsm.com, asoto@grsm.com

Christopher V. Arisco on behalf of Creditor Wallwork Financial
carisco@padfieldstout.com, carisco@livepad.com

Joseph D Austin on behalf of Creditor Nueces Power Equipment
joseph.austin@kellyhart.com

Steven B. Bass on behalf of Creditor Small Business Administration
Steven.Bass@usdoj.gov, tina.travieso@usdoj.gov

Steven B. Bass on behalf of Creditor United States Internal Revenue Service
Steven.Bass@usdoj.gov, tina.travieso@usdoj.gov

Misti Lachelle Beanland on behalf of Creditor Structural and Steel Products, Inc.
beanland@mssattorneys.com

Merwan N Bhatti on behalf of Creditor Accent Landscape Contractors, Inc.
bhatti@mmsg.com, scantu@mmsg.com

James W. Brewer on behalf of Creditor Wells Fargo Equipment Finance, Inc.
jbrewer@kempsmith.com, tschoemer@kempsmith.com

William Steven Bryant on behalf of Creditor Camino Real Regional Mobility Authority
sbryant@lockelord.com, jpelayo@lockelord.com

Jason Cagle on behalf of Debtor J.A.R. Concrete, Inc
jcagle@griffithdavison.com, kelliott@griffithdavison.com

Jeff Carruth on behalf of Interested Party Joe Rosales, Jr
jcarruth@wkpz.com, jcarruth@aol.com; ATTY_CARRUTH@bluestylus.com

Larry Chek on behalf of Creditor First-Citizens Bank and Trust Company
lche@pamlaw.com, mislas@pamlaw.com

Erin Coughlin on behalf of U.S. Trustee United States Trustee - EP12
erin.coughlin@usdoj.gov,
carey.a.tompkins@usdoj.gov, omar.e.jones@usdoj.gov

Michelle D. Esparza on behalf of Attorney Caterpillar Financial Services Corporation c/o John Nelson, Esq.
mesparza@dickinsonwright.com, ksaldivar@dickinsonwright.com

James Michael Feuille on behalf of Creditor M2 Equipment Finance, LLC
ifeu@scotthulse.com, tmar@scotthulse.com; jcor@scotthulse.com

James Michael Feuille on behalf of Creditor Tri-State Electric LTD.
ifeu@scotthulse.com, tmar@scotthulse.com; jcor@scotthulse.com

Miguel Alejandro Flores on behalf of Creditor The Ricardo Cordova Living Trust FBO Alec Julian Herrera
tanzy.borrego@gmail.com,
tanzy.mail@gmail.com; TB.Notices@gmail.com; r50005@notify.bestcase.com
TanzyBorregoLawOffices@jubileebk.net; tanzy.borrego@outlook.com

Miguel Alejandro Flores on behalf of Creditor Ruth Herrera
tanzy.borrego@gmail.com,
tanzy.mail@gmail.com; TB.Notices@gmail.com; r50005@notify.bestcase.com
TanzyBorregoLawOffices@jubileebk.net; tanzy.borrego@outlook.com

Autumn D. Highsmith on behalf of Interested Party Texas Department of Transportation
autumn.highsmith@haynesboone.com

Ronald E Ingalls
ingalltrustee@gmail.com,
ecf@ingalltrustee.com; ri@trustesolutions.net; sioboop@ingalltrustee.com

Ronald E Ingalls on behalf of Trustee Ronald E Ingalls
ingalltrustee@gmail.com,
ecf@ingalltrustee.com; ri@trustesolutions.net; sioboop@ingalltrustee.com

Clayton D. Ketter on behalf of Creditor Deere & Company
cdketter@phillipsmurrah.com,
mdmills@phillipsmurrah.com; lmshivertsen@phillipsmurrah.com

E. P. Bud Kirk on behalf of Debtor J.A.R. Concrete, Inc
budkirk@aol.com

Kelsey Linendoll, I on behalf of Creditor Wallwork Financial
klinendoll@padfieldstout.com

Aldo R Lopez on behalf of Creditor City Of El Paso
alopez@raylaw.com, psoto@raylaw.com

Patrick Michael Lynch on behalf of Creditor Ally Bank
plynch@qslwm.com, itownzen@qslwm.com

Layla D Milligan on behalf of Interested Party Texas Department of Transportation
layla.milligan@oag.texas.gov

Carlos A. Miranda on behalf of Creditor GECU
cmiranda@eptxlawyers.com, [wendy@eptxlawyers.com](mailto>wendy@eptxlawyers.com)

John Robert Nelson on behalf of Attorney Caterpillar Financial Services Corporation c/o John Nelson, Esq.
jnelson@dickinsonwright.com,
rgarza@dickinsonwright.com; mdallaire@dickinsonwright.com

Clyde A. Pine, Jr. on behalf of Creditor 4Rivers Equipment, LLC
pine@mmsg.com, clyde.pine@gmail.com

Jason Sansone on behalf of Creditor Deere & Company
jasansone@phillipsmurrah.com,
r47439@notify.bestcase.com; mdmills@phillipsmurrah.com; lmshivertsen@phillipsmurrah.com

Stephen W. Sather on behalf of Trustee Ronald E Ingalls
ssather@bn-lawyers.com, phammer@bn-lawyers.com; cmurnane@bn-lawyers.com; plevine@bn-lawyers.com; cchristensen@bn-lawyers.com; BarronNewburgerPCAustin@jubileebk.net; mcderon@bn-lawyers.com

Michael J. Shane on behalf of Creditor C & R Distributing, LLC
mshane@eplawyers.com, bsilva@eplawyers.com

Michael J. Shane on behalf of Creditor Clowe & Cowan of El Paso, LLC
mshane@eplawyers.com, bsilva@eplawyers.com

Michael J. Shane on behalf of Creditor WeldBros Company
mshane@eplawyers.com, bsilva@eplawyers.com

Don Stecker on behalf of Creditor City Of El Paso
don.stecker@lgb.com

United States Trustee - EP12
USTPRegion07.SN.ECF@usdoj.gov

Gregory Marc Weinstein on behalf of Creditor Crum & Forster
gweinstein@weinrad.com,
cspringer@weinrad.com; smcfadin@weinrad.com

Gregory Marc Weinstein on behalf of Creditor United States Fire Insurance Company
gweinstein@weinrad.com,
cspringer@weinrad.com; smcfadin@weinrad.com

Stephen Wilcox on behalf of Creditor Ford Motor Credit Company LLC
swilcox@wilcoxlaw.net, krw77@sbcglobal.net; kraudry@wilcoxlaw.net

Martha Burroughs Wyrick on behalf of Creditor 1st Source Bank
martha.wyrick@haynesboone.com

Jarom J Yates on behalf of Creditor 1st Source Bank
jarom.yates@haynesboone.com, kim.morzak@haynesboone.com

23-30242-cgb Notice will not be electronically mailed to:

Griffith Davison, P.C.
13737 Noel Rd., Ste. 850
Dallas, TX 75240

Sean Kelley
22911 Trailwood
Tomball, TX 77375

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: §
§ CASE NO 23-30242-cgb
J.A.R. CONCRETE, INC., § Chapter 7
§
§
§
§
Debtor. §
§

**AGREED ORDER TO RESET DEADLINES AND CONTINUE HEARING
(RE: DOCKET NOS. 537, 533, 512, 513)**

On this day came on for consideration the *Joint Agreed Motion to Resent Deadlines and Continue Hearing (Re: Docket No. 533, 512, 513)* (Docket No. 537) (the “Joint Motion”). In light of the cause demonstrated in the Joint Motion, and the agreement of the parties as evidenced by the signature of their respective counsel appearing below, the Court is of the opinion that the following Orders should be entered.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN THAT:

1. The Joint Motion is granted as set forth herein.
2. Capitalized terms in this Order shall have the same meaning as ascribed to such terms in the Joint Motion unless otherwise defined herein.
3. On January 31, 2024 at 9:30 a.m. (MT), the Court will conduct a status conference on the Motions (dkt## 512, 513) and the Objections thereto (dkt## 523, 528, 529). The hearing will be conducted via Webex through the Webex software

application at: us-courts.webex.com/meet/Bradley. Parties and counsel that are only listening to the status conference may attend by phone at phone number 650-476-3207, access code 160-357-6609#.

4. At the status conference, the Court will only hear legal arguments. No witnesses or evidence will be considered. An evidentiary hearing will be held at a later date, if necessary.
5. By **4 p.m. (MT) on January 16, 2024**, the Trustee shall file a response to the Objections (“Response”), which shall include all legal citations the Trustee wishes the Court to consider, and analysis/discussion explaining how he can overcome each argument presented in the Objections. The Response shall also address whether the 60-day deadline under 11 U.S.C. § 365(d)(1) prevents the Trustee from obtaining the relief requested.
6. Any Reply to the Response must be filed by **January 23, 2024 at 4:00 p.m. (MT)**.
7. This Order does not pertain to the motion to assume relating to TxDOT (Docket No. 514) nor the TxDOT objection (Docket No. 526).

END OF ORDER

Order submitted by:

Jeff Carruth
WEYKER, KAPLAN, PULASKI & ZUBER, P.C.
Texas Bar No.: 24001846
24 Greenway Plaza Suite 2050
Houston, Texas 77046
Telephone: (713) 341-1158
E-mail: jcarruth@wkpz.com

{continued on following sheet(s)}

AGREED:

WEYCER, KAPLAN,
PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth*
JEFF CARRUTH
Texas Bar No.: 24001846
24 Greenway Plaza Suite 2050
Houston, Texas 77046
Telephone: (713) 341-1158
Fax: (866) 666-5322
E-mail: jcarruth@wkpz.com

ATTORNEYS FOR JOE A. ROSALES, Jr.

WEINSTEIN RADCLIFF PIPKIN LLP

By: /s/ Gregory M. Weinstein*
GREGORY M. WEINSTEIN
State Bar No. 16027020
SCOTT MCFADIN
State Bar No. 24098074
8350 N. Central Expressway, Suite 1550
Dallas, Texas 75206
Telephone: 214.865.6126
Facsimile: 214.865.6140
Email: gweinstein@weinrad.com
smcfadin@weinrad.com

**ATTORNEYS FOR UNITED STATES FIRE
INSURANCE COMPANY**

By: /s/ Ronald Ingalls*
Ronald Ingalls, Trustee
SBT 10391900
Po Box 2867
Fredericksburg, TX 78624
Tel: (830) 321-0878
Fax: (830) 321-0913
Email: ingallstrustee@gmail.com

CHAPTER 7 TRUSTEE

BARRON & NEWBURGER, P.C.

By: /s/ Stephen W. Sather*

Charles I. Murnane
State Bar No 24074775
Stephen Sather
State Bar No 17657520
7320 N. Mopac Expy, Suite 400
Austin, Texas 78731
(512) 649-3243
(512) 476-9253 Facsimile

ATTORNEY FOR TRUSTEE

RAY, PEÑA & MCCHRISTIAN, P.C.

By: /s/ Aldo R. Lopez*

ALDO R. LOPEZ
State Bar No. 24060185
5822 Cromo Dr.
El Paso, Texas 79912
(915) 832-7200
(915) 832-7333- Fax
alopez@raylaw.com

ATTORNEYS FOR CITY OF EL PASO

* Signature by permission by /s/ Jeff Carruth